

REMARKS/ARGUMENTS

This amendment is in response to the Office Action mailed on February 3, 2009. Claims 1-14 were rejected.

Claim Objections

The examiner objected to claims 1 to 3 and in particular to the phrase “can be supported”. Claim 1 is cancelled and claims 2 and 3 have been amended to remove the phrase objected to.

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 7 were rejected under 35 USC§103(a) as being unpatentable over Wiedmeier in view of Ingram et al. Claims 2-5 and 8 were rejected as unpatentable over Wiedmeier in view of Campe. Claims 9-11 and 13-14 were rejected as unpatentable over Wiedmeier in view of Campe.

Claims 1, 2, 3, 8 and 9 have been amended in view of the rejections. Claims 4 and 5 are cancelled.

Applicant's invention provides a unitary shower or bath wall liner panel which may be flex-folded, which comprises one or more of an integral shelf or basket, soap dish, flannel rail or step or integral formations from which one or more of a shelf, soap dish, flannel rail, or a step is supportable, and which may be packaged in a flat carton to occupy the minimum volume (see Figure 3c and the description relating thereto in the specification for example).

In the prior art it is known to form a wall liner panel from a single sheet with a right angle fold down the sheet, and to flex-fold the resilient sheet to enable it to be flat packaged in a cardboard carton. At an installation site the wall liner panel is removed from the carton, and is opened and installed in position over or in place of the pre-existing wall lining in the corner of the bathroom, before a door and one or more return panels are fitted to form a shower enclosure for example.

It is also known to integrally form across the corner of a shower or bath wall liner panel, one or more shelves which bridge the corner and Ingram is an example of this. There is no disclosure in Ingram that the wall liner panel thereof can be folded about the corner across which the integral shelves bridge, and self evidently even if the wall liner panel of Ingram was formed so as to be so foldable, the volume that it would occupy would be less than the equivalent panel according to applicant's invention when flex-folded.

In applicants shower or bath wall liner panel as recited in claim 2, a first and a second non-planar formation are integrally formed in the panel on either side of the fold and spaced away from the fold. This is as shown in various of applicants figures and see particularly Figure 3a for example. When the panel is folded, the spacing between the two formations on either side of the fold enables the panel to be folded more tightly. As the panel is folded the two formations come together – see Figure 3b, and the panel can be folded until the two opposing formations touch for example, as shown in Figure 3c. The applicants invention enables the panel to be folded to occupy a small packaging space, while the panel still comprises integral formations which either together with a separate component form a shelf or basket, soap dish, flannel rail or step, or themselves on installation act as a shelf or basket, soap dish, flannel rail or step.

Claims 1 and 7 are cancelled. The rejection of claims 1 and 7 is thus moot.

Claim 2 was rejected as unpatentable over Wiedmeier in view of Campe. The examiner stated that 'Wiedmeier illustrates in Figure 10 a shower wall liner panel including panel sections (43A-C) on either side of a fold'. The examiner also stated that 'Campe illustrates in Figure 2 a plastic, molded wall liner panel with a fold line in the corner and opposing formations formed on either side of the fold line that house shelving, soap dishes, etc. It would have been obvious to one having ordinary skill in the art at the time of invention to include formations and shelving on the wall liner structure for ease of storage and use by an inhabitant to the shower.' There is no disclosure in Wiedmeier that the wall liner panel is formed so as to be foldable.

There is no disclosure in Campe of ‘a unitary shower or bath wall liner panel including panel sections on either side of a fold in the panel’. The two parts 19 and 20 of Campe are separate and one of them namely part 19 is an access door. Campe therefore does not disclose what is asserted by the examiner, and also Campe is in a different field namely it does not relate to shower or bath wall liner panels including multiple panel sections but which are formed from a unitary larger panel by folding, and also which can be flex-folded for packaging. It is this field to which the applicant’s invention relates, and provides the benefits referred to above, which are not provided by Campe which clearly discloses a shower enclosure part formed of separate panel components.

Wiedmeier may be in this field in that it discloses a unitary liner panel comprising different panel sections but there is no disclosure that the wall panel 43 of Wiedmeier can be folded, such as folded flat for packaging, and it is clear that this is not the case since the panel comprises horizontal braces 41 on its rear surface, to brace the panel against flexing. Even if ‘opposing formations … that house shelving, soap dishes etc’ asserted by the examiner to be disclosed by Campe were taken from Campe and applied to the wall liner panel of Ingram, applicant’s invention as claimed is still not achieved because there is no disclosure in Wiedmeier that the panel is flex-foldable as claimed in applicant’s claims as amended.

Reconsideration of applicants claims as amended is requested.

The examiner rejected claims 3-5 and 7-14 under 35 USC§103(a) as unpatentable over Lippe in view of Campe.

The rejection of claims 3 to 5 is moot in view of the amendments now made for the reasons above.

Method claim 9 as now amended is patentably distinguished over Lippe in view of Campe also for the reasons stated above.

The rejection of claims 10 to 14 is moot in view of the amendments to claim 9.

Conclusion

In view of the foregoing amendments and remarks, the pending claims are considered to be in condition for allowance, and the Applicant respectfully requests that a notice of allowance for these claims be issued.

A two month extension of time is believed to be necessary in connection with the filing of this response. The Commissioner is authorized to charge the fee for this two month extension of time, as well as any additional fees that are required or that may be due on this application under 37 C.F.R. § 1.17, to Deposit Account 17-0055. The Commissioner is also authorized to treat this amendment and any future reply in this matter requiring a petition for an extension of time as incorporating a petition for extension of time for the appropriate length of time as provided by 37 C.F.R. §1.136(a)(3).

Respectfully submitted,
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